IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 225 of 2005

Between:

Akula Venkata Srinivasa Rao, S/o. Musalaiah, Fair price shop dealer
Invaolu Village, Nuzendla Mandal, Guntur District.

... PETITIONER

AND

1 The Revenue divisional Officer, Narasaraopet, Guntur District.
2 the Mandal Revenue Officer, Nuzendla Mandal, Guntur district.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ Order or direction declaring the action of the second respondent n not allotting essential commodities to the petitioner's Fair Price Shop at Inavolu Village, Nuzendla Mandal, Guntur district, as illegal, arbitrary and without jurisdiction and issue consequential direction to the respondents to allot essential commodities to the petitioner's Fair Price Shop forthwith.

Counsel for the Petitioner: MR.D.KRISHNA MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner was appointed as a dealer for the fair price shop at Inavolu Village, Nuzendla Mandal, Guntur District, by the 1st respondent through orders dated 28-11-2002. His grievance is that even though he has submitted the requisite demand drafts for supply of essential commodities, the 2nd respondent is not releasing the same. He seeks appropriate directions in this regard.

Learned counsel for the petitioner submits that from the month of October, 2004 onwards, the 2nd respondent is harassing the petitioner, by refusing to release the essential commodities. He has placed copies of demand drafts submitted by his client as well as proceedings issued by the 2nd respondent, through which he allotted the commodities for distribution in the concerned fair price shop, in favour of different persons. He submits that the petitioner has taken the matter to the notice of the Joint Collector as well as the 1st respondent, and in spite of instructions issued by them, the 2nd respondent is not releasing the stocks. Learned Government Pleader for Civil Supplies, on the other hand, submits that the non-release of the stocks in favour of the petitioner was on account of his failure to submit the demand drafts.

The very purpose of appointing a dealer for a fair price shop is, to enable him to supply the essential commodities. On being appointed, the dealers make necessary arrangements, such as providing place for stocking and supply of goods, weighments etc. If any irregularities are noticed, in the matter of distribution of essential commodities, the appointing authorities are vested with power to take corrective measures. In the system of public distribution of essential commodities, the role assigned to a Mandal Revenue Officer is restricted to supply and release of essential commodities to the dealers. He has no power to deny the supply of essential commodities to a dealer, as long as the authorization subsists.

The petitioner has placed before this Court the demand draft dated 08-10-2004 for a sum of Rs.25,848/-, taken in the name of A.P. State Civil Supplies Corporation Limited. He has also filed a copy of the list, for allotment of essential commodities for the month of October and November, issued by the 2nd respondent. In respect of the fair price shop of Inavolu Village, for which the petitioner is a dealer, the commodities were supplied to one S. Narayana, dealer of Cheruvukommupalem. This Court verified from the learned Government Pleader, as to whether any orders

were passed by the 1st respondent, placing the said Narayana as in-charge for the shop at Inavolu village. He states that no such arrangement was made. Therefore, it is evident that the 2nd respondent acted in a highhanded, arbitrary and irresponsible manner in refusing to supply the commodities to the petitioner, even after the petitioner submitted the demand draft, the 2nd respondent supplied the commodities to the dealer of another shop. It is clear case of dereliction of duties, on his part. If the allotment was without any orders from the 1st respondent, necessary action needs to be taken against the 2nd respondent, after due verification. The petitioner has placed before this Court the receipt relating to the demand draft for a sum of Rs.28,736/-, dated 05-01-2005. There does not exist any basis or justification for the respondents in not supplying the essential commodities to the petitioner.

Hence, the writ petition is allowed, and respondents 1 and 2 are directed, jointly and severally, to ensure that the petitioner is supplied the essential commodities, as long as the authorization in his favour subsists. The District Collector, to whom a copy of this order shall be marked, is directed to verify as to whether there existed any basis for the 2nd respondent in allotting the essential commodities, meant for distribution in the fair price shop, Inavolu, in favour of a dealer of Cheruvukommupalem (S. Narayana), and depending on such enquiry, he shall initiate appropriate action against the 2nd respondent, in accordance with law. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.24-01-2005

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To

1 The District Collector, Guntur (for taking necessary action as per

Court direction)

2 The Revenue divisional Officer, Narasaraopet, Guntur District.

3 The Mandal Revenue Officer, Nuzendla Mandal, Guntur district.

4 Two C.Cs to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad(OUT).

5 Two C.D.copies.